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## NOTICE OF ALLOWANCE AND FEE(S) DUE

2512 7590 01/25/2010  
Perman & Green, LLP  
99 Hawley Lane  
Stratford, CT 06614

EXAMINER	
DAVIS, ZACHARY A	
ART UNIT	PAPER NUMBER

2437  
DATE MAILED: 01/25/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/20/057	08/01/2001	Valteri Niemi	324-010477-US (PAR)	4430
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TITLE OF INVENTION: DATA TRANSMISSION METHOD, USER EQUIPMENT AND GPRS/EDGE RADIO ACCESS NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	04/26/2010

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail**

**Mail Stop ISSUE FEE  
Commissioner for Patents  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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01/25/2010

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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	NO	\$1510	\$300	\$0	\$1810	04/26/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
DAVIS, ZACHARY A	2437	380-270000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/127; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

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Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/920,057

08/01/2001

Valteri Niemi

324-010477-US (PAR)

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Perman & Green, LLP  
99 Hawley Lane  
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EXAMINER

DAVIS, ZACHARY A

ART UNIT

PAPER NUMBER

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DATE MAILED: 01/25/2010

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1116 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1116 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

## Application No.

09/920,057

## Examiner

Zachary A. Davis

## Applicant(s)

NIEMI ET AL.

## Art Unit

2437

### - The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 23 October 2009.
2. ☒ The allowed claim(s) is/are 1-3,5-19,21-32 and 47-54.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

### THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

**EXAMINER'S AMENDMENT**

1. A response was received on 23 October 2009. By this response, Claims 1, 17, 18, 25, 26, 29-32, 47, and 49-54 have been amended. Claims 4 and 20 have been canceled. No new claims have been added. Claims 1-3, 5-19, 21-32, and 47-54 are currently pending in the present application.

***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Gamberdell on 14 January 2010.

The application has been amended as follows:

**IN THE CLAIMS:**

Please **Replace Claims 1, 5, 7, 11, 12, 17, 21, 23, 27, 28, 48, 49, 50, 52, and 54** with the following amended claims:

1. A method in a mobile system, comprising:

encrypting data to be transmitted between a radio access network of a packet-switched time division multiple access mobile system and user equipment using an encryption algorithm at a transmitting end,

wherein an encryption algorithm of a radio access network of a wideband code division multiple access mobile system is used as the encryption algorithm, in which case input parameters of a format required by the encryption algorithm are created on the basis of operating parameters of the radio access network of the packet-switched time division multiple access mobile system and at least a counter parameter of the operating parameters is adapted ~~created~~ depending on a protocol currently used.

5. A method as claimed in claim [[4]] 1, wherein the counter parameter comprises a symbol which defines whether the data to be encrypted is data of a second layer signaling plane or other data.

7. A method as claimed in claim [[4]] 1, wherein when executing the encryption algorithm in a MAC layer of a protocol stack, the counter parameter comprises an extended TDMA frame number.

11. A method as claimed in claim [[4]] 1, wherein when executing the encryption algorithm in a MAC layer of a protocol stack, the counter parameter comprises a time slot number.

12. A method as claimed in claim [[4]] 1, wherein when executing the encryption algorithm in an RLC layer of a protocol stack, the counter parameter comprises a hyper frame number.

17. An apparatus for a mobile system, comprising:

means for encrypting data, to be transmitted in a packet-switched time division multiple access mobile system, using an encryption algorithm,

wherein the encryption algorithm is an encryption algorithm of a radio access network of a wideband code division multiple access mobile system, and the apparatus comprises means for creating input parameters of an agreed format required by the encryption algorithm on the basis of operating parameters of a radio access network of the packet-switched time division multiple access mobile system and at least a counter parameter of the operating parameters is adapted ~~created~~ depending on a protocol currently used.

21. The apparatus as claimed in claim [[20]] 17, wherein the counter parameter comprises a symbol which defines whether the data to be encrypted is data of a second layer signaling plane or other data.

23. The apparatus as claimed in claim [[20]] 17, wherein when executing the encryption algorithm in a MAC layer of a protocol stack, the counter parameter comprises an extended TDMA frame number.

27. The apparatus as claimed in claim [[20]] 17, wherein when executing the encryption algorithm in a MAC layer of a protocol stack, the counter parameter comprises a time slot number.

28. The apparatus as claimed in claim [[20]] 17, wherein when executing the encryption algorithm in an RLC layer of a protocol stack, the counter parameter comprises a hyper frame number.

48. The apparatus as claimed in claim 47, wherein the information to be provided comprises a certain number of most significant bits, and the apparatus ~~radio access network of the packet-switched time division multiple access mobile system~~ comprises means for increasing by one the value of the number formed by said most significant bits before the information is used.



49. A method in a mobile system, comprising:

decrypting received data, transmitted between a radio access network of a packet-switched time division multiple access system and user equipment, using an encryption algorithm at the receiving end;

using an encryption algorithm of a radio access network of a wideband code division multiple access system as the encryption algorithm; and

creating input parameters of a format required by the encryption algorithm on the basis of operating parameters of the radio access network of the packet-switched time division multiple access system, wherein at least a counter parameter of the operating parameters is adapted ~~created~~ depending on a protocol currently used.

50. An apparatus in a mobile system, comprising:

means for decrypting received data using an encryption algorithm at a receiving end, the data transmitted in a packet-switched time division multiple access mobile system, wherein the encryption algorithm is an encryption algorithm of a radio access network of a wideband code division multiple access system; and

means for creating input parameters of an agreed format required by the encryption algorithm on the basis of operating parameters of ~~[[the]]~~ a radio access network of the packet-switched time division multiple access system, wherein at least a counter parameter of the operating parameters is adapted ~~created~~ depending on a protocol currently used.

Art Unit: 2437

52. The apparatus of claim 18, wherein the apparatus is a radio access network  
~~GERAN~~.

54. The apparatus of claim 50, wherein the apparatus is a radio access network  
~~GERAN~~.

***Allowable Subject Matter***

3. Claims 1-3, 5-19, 21-32, and 47-54 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Independent Claim 1 is directed to a method in a mobile system that includes encrypting data to be transmitted in a packet-switched TDMA system (for example, using GPRS/EDGE) that uses the encryption algorithm used in a WCDMA system (for example, UMTS), where input parameters required by the encryption algorithm are created based on operating parameters of the network of the TDMA system, and where a counter parameter is adapted to the algorithm based on the protocol being used. Independent Claim 49 is directed to a corresponding method that includes decryption of received data using the same encryption algorithm and also having the counter parameter adapted based on the protocol used. Independent Claims 17 and 50 are directed to corresponding apparatus having the functionality to perform the methods of Claims 1 and 49, respectively, and also require the adaptation of the counter parameter to the protocol used.

The closest cited art, Fauconnier, discloses everything as claimed; however, Fauconnier has been removed as prior art by the filing of the translation of the foreign priority document (see the Office action mailed 04 April 2006). The closest prior art, the 3G specifications as previously cited, generally disclose handover between two types of mobile systems and the use of encryption algorithms, and the general use of a counter parameter. However, none of the cited 3G specifications, alone or in combination,

teach or suggest adapting (or modifying or changing) the counter parameter to be used based on the protocol being used, in combination with the other claim limitations. See also the Office action mailed 23 July 2009 and Applicant's arguments in the response filed 17 April 2009.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571)272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Zachary A Davis/  
Examiner, Art Unit 2437